

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

SARAH CLINE

PLAINTIFF

V.

CIVIL ACTION NO. 4:23CV71-SA-JMV

**WALMART STORES, INC.;
WALMART STORES EAST, LP;
WALMART SUPERCENTER #716;
JOHN DOE(S) 1-10; AND
JOHN DOE COMPANY(IES) 1-10**

DEFENDANTS

**ANSWER OF WALMART STORES EAST, LP, AND IN THE ALTERNATIVE,
ANSWER OF WALMART STORES, INC. AND WALMART SUPERCENTER #716**

NOW COME Defendant Walmart Stores East, LP, and files its Answer to the Plaintiff's Complaint, and Defendants Walmart Stores, Inc. and Walmart Supercenter #716 also submit their Answer herein, but Defendants Walmart Stores, Inc. and Walmart Supercenter #716 file this Answer only in the alternative in the event that the Motion to Dismiss these Defendants is not granted.

1.

The averments of Paragraph 1 of the Complaint are admitted.

2.

In response to the averments of Paragraph 2 of the Complaint, Defendants admit Walmart Stores, Inc. has its principal place of business in the State of Arkansas and may be served with legal process through its registered agent, CT Corporation System. Except as specifically admitted, the averments of Paragraph 2 of the Complaint are denied.

3.

In response to the averments of Paragraph 3 of the Complaint, Defendants admit that Defendant Walmart Stores East, LP's principal place of business is in the State of Arkansas and may be served with legal process through its registered agent, CT Corporation System. Except as specifically admitted, the averments of Paragraph 3 of the Complaint are denied.

4.

The averments of Paragraph 4 of the Complaint are denied.

5.

The averments of Paragraph 5 of the Complaint are denied.

6.

The averments of Paragraph 6 of the Complaint are denied.

7.

The averments of Paragraph 7 of the Complaint are denied.

8.

The averments of Paragraph 8 of the Complaint are denied.

9.

The averments of Paragraph 9 of the Complaint are denied.

10.

The averments of Paragraph 10 of the Complaint are denied.

11.

In response to the averments of Paragraph 11 of the Complaint, Defendants admit that they exercised their legal duties pursuant to Mississippi law. Except as specifically admitted, the averments of Paragraph 11 of the Complaint are denied.

12.

The averments of the first Paragraph 13. (sic) of the Complaint are denied.

13.

The averments of Paragraph 12. (sic) of the Complaint are denied.

14.

The averments of the second Paragraph 13. (sic) of the Complaint are denied.

15.

In response to the last unnumbered paragraph beginning with the phrase “WHEREFORE, PREMISES CONSIDERED,” all averments contained therein are denied.

Affirmative Matters

A.

The sole proximate cause of any incident alleged by Plaintiff and any alleged damages was negligence on the part of Plaintiff.

B.

Alternatively, Plaintiff was contributorily negligent.

C.

Defendants invoke the affirmative defenses of estoppel, waiver, lack of jurisdiction, lack of issuance of process, lack of service of process, statute of limitations, and any other matter constituting an affirmative defense.

THIS, the 25th day of April, 2023.

**WALMART STORES EAST, LP;
WALMART STORES, INC. (misidentified as a
party in Plaintiff’s Complaint); AND
WALMART SUPERCENTER #716
(misidentified as a party in Plaintiff’s Complaint)**

**BY: /s/ Britt Virden
BRITT VIRDEN, MBN 10022
Counsel for Defendants**

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CERTIFICATE OF SERVICE

I hereby certify that on **April 25, 2023**, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to the parties set forth in the Electronic Mail Notice List as of the date hereof, including the following:

VIA E-MAIL: knewson@1call.org

Kira D. Newson, Esq.

Schwartz & Associates, P.A.

P. O. Box 3949

Jackson, MS 39207-3949

Signed, this, the 25th day of April, 2023.

/s/ Britt Virden

BRITT VIRDEN